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*Attorneys for Plaintiff Norem
 and the Proposed Class
 [Additional Counsel on Signature page]*

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

JAMES NOREM, on behalf of himself and
 others similarly situated,

 Plaintiff,

v.

NETFLIX, INC. and WALMART.COM
 USA, LLC,

 Defendants.

OSCAR MACIAS, on behalf of himself
 and others similarly situated,

 Plaintiff,

v.

NETFLIX, INC. and WALMART.COM
 USA, LLC,

 Defendants.

Civil Action No. CV-09-00956-PJH
 Civil Action No. CV-09-00961-PJH
 Civil Action No. CV-09-00960-PJH
 Civil Action No. CV-09-00962-PJH

**STIPULATION AND ~~[PROPOSED]~~
 ORDER CONTINUING DATE OF
 PLAINTIFFS' MOTIONS TO
 REMAND**

**Date: May 13, 2009
 Time: 9:00 a.m.
 Location: Courtroom 5, 17th Fl.**

**Continued Date: May 27, 2009
 Time: 9:00 a.m.
 Location: Courtroom 5, 17th Fl.**

Hon. Phyllis J. Hamilton

1 JIM CORNETT, on behalf of himself and
2 others similarly situated,

3 Plaintiff,

4 v.

5 NETFLIX, INC. and WALMART.COM
6 USA, LLC,

7 Defendants.
8

9 JESSE RANDLE, on behalf of himself and
10 others similarly situated,

11 Plaintiff,

12 v.

13 NETFLIX, INC. and WALMART.COM
14 USA, LLC,

15 Defendants.
16

17 WHEREAS, Plaintiffs in the above-entitled cases (the "Removed Actions") have
18 noticed motions to remand their cases to the Superior Court of the State of California for
19 the County of Santa Clara, to be heard on May 13, 2009;

20 WHEREAS, Defendant Walmart.com USA LLC's Opposition to Plaintiffs'
21 motions to remand are due today, April 22, 2009;

22 WHEREAS, on April 13, 2009 the Court , entered a pretrial order in the Removed
23 Actions, stating, in pertinent part:

24 The hearing on certain plaintiffs' motion to remand shall go
25 forward on May 13, 2009, unless the parties notify the
26 court that they have stipulated to remand. The court would
27 appreciate notification by April 22, 2009, the date the
28

1 opposition is due, and in any event no later than April 29,
2 2009, the date the reply is due.

3 WHEREAS, two related putative class action cases asserting identical state law
4 antitrust claims as the Removed Actions, *Collusi v. Netflix, Inc. and Walmart.com USA*
5 *LLC*, 1-09-cv-138096, and *Kirkpatrick v. Netflix, Inc. and Walmart.com USA LLC*, 1-09-
6 cv-139551 (the "State Actions") were filed in the Santa Clara County Superior Court, on
7 March 24, 2009 and April 9, 2009 respectively, by Plaintiffs' Counsel in two of the
8 Removed Actions, *Norem v. Netflix, Inc. and Walmart.com USA LLC*, Case No. 1-09-cv-
9 133576 (N.D. Cal. No. C 09-00956 PJH), and *Macias v. Netflix, Inc. and Walmart.com*
10 *USA LLC*, Case No. 1-09-cv-133878 (N.D. Cal. No. C 09-00961 PJH);

11 WHEREAS, the parties in the State Actions and the Removed Actions have met
12 and conferred and intend to simultaneously submit to the Hon. Joseph H. Huber, Judge
13 in the State Actions (1) a Stipulation and [Proposed] Case Management Order Number
14 One, which consolidates the *Collusi* and *Kilpatrick* actions, and any related actions
15 hereafter filed in, or later remanded or transferred to Santa Clara County Superior Court,
16 and appoints William Audet, Esq. of Audet & Partners, LLP as Lead Counsel for
17 Plaintiffs, and (2) a Stipulation and [Proposed] Case Management Order Number Two,
18 which governs motion practice and coordinates discovery in the State Actions and the
19 Removed Actions with the related federal actions, *Andrea Resnick, et al. v. Walmart.com*
20 *USA LLC, et al.*, C 09-0002 PJH (N.D. Cal.), and *In Re Online DVD Rental Antitrust*
21 *Litigation*, MDL No. 2029 (PJH) (N.D. Cal.) (the "State Court Pre-Trial Stipulations and
22 Orders");

23 WHEREAS, the parties in the State Actions and the Removed Actions shall be
24 signatories to the State Court Pre-Trial Stipulations and Orders, and therefore, by
25 agreement of their counsel, party to those and any subsequent pretrial orders entered in
26 those actions;
27
28

1 WHEREAS, the parties in the State Actions and the Removed Actions will agree
2 to a stipulated remand of the Removed Actions so long as the State Court Pre-Trial
3 Stipulations and Orders are entered by the Santa Clara County Superior Court;

4 WHEREAS, the parties in the Removed Actions seek to continue the hearing date
5 on the motions to remand by two weeks, to May 27, 2009 at 9:00 a.m. in order to give the
6 parties in the State Actions a modest amount of time to finalize and submit the State
7 Court Pre-Trial Stipulations and Orders and to allow the Santa Clara County Superior
8 Court adequate time to consider and act upon the State Court Pre-Trial Stipulations and
9 Orders, which, if entered, would allow the Removed Actions to be remanded by
10 stipulation of the parties subject to the approval of the Court;

11 WHEREAS, the parties to the Removed Actions seek to continue the briefing on
12 the motions to remand accordingly;

13 IT IS HEREBY STIPULATED AND AGREED THAT the hearing on Plaintiffs'
14 motions to remand in the above-entitled cases shall be continued from May 13, 2009, at
15 9:00 a.m. to May 27, 2009, at 9:00 a.m., and the briefing on those motions shall be
16 continued accordingly, with the oppositions being due by May 6, 2009. The parties will
17 notify the Court on or before May 6, 2009, the date the oppositions are due, whether the
18 parties will be stipulating to a remand and whether the hearing on the motions to remand
19 may be taken off calendar subject to the approval of the Court.
20

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27 Dated: April 22, 2009.

28 By: 

Counsel for Removed Plaintiff James Norem

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8 By: /s/ Thomas M. Ferlauto

9 Dated: April 22, 2009.

Counsel for Removed Plaintiff Oscar Macias

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17 Dated: April 22, 2009.

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26 *Counsel for Removed Plaintiff Jesse Randle*
27
28

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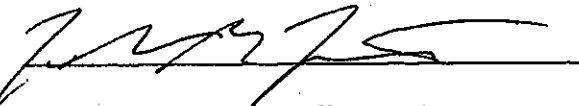
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By: _____

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By: Keith E Eggleton

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By:

Kathryn P. Hoek

Dated: April 22, 2009.

Counsel for Defendant Walmart.com USA, LLC

I, Aaron H. Darsky, am the ECF User whose ID and password are being used to file the Stipulation and Proposed Order Continuing Date of Plaintiffs' Motions to Remand. In compliance with General Order 45, X.B., I hereby attest that Thomas M. Ferlauto, Mark E. Burton, Jr., Gilbert Daniel Sigala, Keith E. Eggleton and Kathryn P. Hoek have concurred in this filing.

IT IS SO ORDERED.

Date: April 24, 2009

